

BEFORE THE
DIVISION OF MEDICAL QUALITY
OF THE BOARD OF MEDICAL QUALITY ASSURANCE
STATE OF CALIFORNIA

In the Matter of the Petition for)
Modification of Probation by)
)
JACK D. SHONKWILER, M.D.)
641 Parkside Court)
Kensington, CA 94708)
Physician and Surgeon)
Certificate No. C-31362)
)
Respondent-Petitioner.)
)

)

OAH No. N 26853

DECISION

This matter was heard before a quorum of a duly-appointed committee of the Division of Medical Quality with Paul J. Doyle, Administrative Law Judge, State of California, Office of Administrative Hearings, presiding, in San Francisco, California, on May 8, 1986.

R. Richard Arnold, Deputy Attorney General, represented the Board.

The panel consisted of Eugenio Zarate, M.D., chairperson; Lloyd Dickey, D.D.S.; John Dooley, M.D.; Anna Guth, public member; James Jackson, M.D.; Jean Martin, public member and Harry Newman, M.D.

Respondent-petitioner was present and was represented by his attorney Kenneth L. Freeman of the address of 507 Polk Street, Suite 310, San Francisco, California 94102.

The matter was submitted and the Division makes the following decision:

FINDINGS OF FACT

I

In 1969 respondent-petitioner was issued a physician and surgeon's certificate No. C 31362 by the Board.

II

A. Effective July 13, 1981, said certificate was revoked but with the revocation stayed for ten years on certain probationary terms and conditions. One of those conditions (Condition C) prohibited respondent from engaging in solo practice; requiring him to practice in an approved, supervised, structured environment under the supervision of another physician.

B. In general, the factual cause for the legal imposition of discipline on said certificate was by reason of respondent's having engaged in repeated acts of sexual intercourse with two of his patients--causing them "emotional and mental injury"; and by reason of Medi-Cal fraud.

III

A. In this current petition hearing respondent seeks to remove Condition C--the condition which requires practice in a supervised structural environment and to be allowed to practice on his own but with clinical case supervision.

B. Previously, effective February 13, 1984, a Panel of the District Eleven Medical Quality Review Committee of this Board denied respondent's petition wherein he also sought to have Condition C of his probationary terms removed.

IV

The evidence in this present matter established:

A. Respondent appears to have been complying with all of the terms of his 10-year administrative probation. Concerning Condition A, however, the condition which requires that he undergo psychotherapy, his income from employment in the structured environment has necessitated that he see his psychotherapist less often. Sessions which were, at one time, conducted on twice-a-week basis are now conducted once every two weeks. If he had the financial means respondent desires to undergo such treatment on a twice-weekly basis.

B. Respondent believes that his income would increase if he were allowed to practice on a solo basis.

C. His former treating psychiatrist (before respondent moved his residence) testified that such sessions were helpful to respondent; that respondent now realizes what he has done and that respondent has no psychotic tendencies toward sexual indiscretions.

D. Under the structured-environment requirement respondent has had approximately 25% of his progress notes, concerning his patients, reviewed every two weeks by the supervising physician. This panel does not, however, believe that the frequency and volume of this review is adequate; but should be increased.

V

Respondent testified, and credibly so, that he will be far more selective in the type of patients he accepts and/or continues to treat; that should the circumstances in his opinion so warrant, he will refer the more difficult and/or frustrating patients to other physicians.

DETERMINATION OF ISSUES

It is determined that respondent has "learned his lesson"-- that he is now a person who will exercise proper professional discretion; that the granting of the petition on the terms hereafter set forth will not endanger the public, will assist in increasing respondent's self-esteem and will provide the means by which he can receive more psychotherapy.

ORDER

The petition for modification is granted on the condition that prior to entering into a solo practice (Condition C) respondent receive the written approval of the Board, or its designees, of the source of clinical care supervision and that such supervision review at least 50% of respondent's patient-progress notes on a weekly basis; and, further, that respondent renews his psychotherapy sessions to at least two, bona-fide sessions per week and that he comply with all other terms and conditions of his present administrative probation. All expenses to be borne by respondent.

* * * * *

This Decision shall become effective June 23, 1986, 19 .

Dated and signed as of 18 May, 19 86.

BOARD OF MEDICAL QUALITY ASSURANCE
OF THE STATE OF CALIFORNIA
FOURTH DISTRICT MEDICAL QUALITY
REVIEW COMMITTEE

By: 

EUGENIO A. ZARATE, M.D.
Chairperson

EAZ:PJD:lhj